IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**
**WRIT PETITION NO : 9269 of 1999**

Between:
Kaluva Venkata Subbaiah S/o Lingayya
R/o Lakkavaram , Thalluru Mandal ,
Prakasam District.

**.....PETITIONER**

AND

1 The Commissioner of Appeals,
Office of the Chief Commissioner of Land Administration ,
Station Road, Hyderabad.
2 The Director of Settlements,
Gagan Vihar , IVth Floor , Opp:to Gandhi Bhavan ,
Hyderabad.
3 The Settlement Officer- cum- Joint Collector,
Ongole , Prakasham Dist.
Pin :523 001.
4 The Mandal Revenue Officer,
Thalluru Mandal , Thalluru P.O, Prakasham Dist,
Pin :523 264.
5 Nadimpalli Prakasarao S/o Jallaiah,
Lakkavaram P.O , Talluru Mandal,
Prakasam District, Pin :523 264.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit

filed herein the High Court will be pleased to call for the records connected with CCLA's ref. No.P2/87/99, Dt 7-4-99 passed by the Commissioner of Appeals from the office of the Chief Commissioner of Land Administration , A.P Hyderabad and quash the same by the issuance of a writ of certiorari or any other appropriate writ , and pass.

**Counsel for the Petitioner:** MR.A.RANGACHARYULU.

**For Respondents 1 to 4 : The Advocate General.**

**Counsel for the Respondent No.5:** Mr. M.Ravindernath Reddy.

**The Court Made the Following :**

**ORDER:**

This writ petition is filed seeking a writ of Certiorari questioning the order dated 07-04-1999 passed by the Chief Commissioner of Land Administration dismissing the revision petition filed by the petitioner under provisions of the A.P (AA) Estates (Abolition & Conversion into Ryotwari) Act 1948 (for short 'the act'). The petitioner who is in possession of an extent of Acs.4.00 of land in survey No.337 situated in Nagambhutlapalem village, Darsi Taluk, Prakasam District is claiming that he is entitled for ryotwari patta for an extent of Acs.4.00 of land as he is in possession of the said land. The total extent of land in Sy.No. 337 is Acs.8.56 cents. It is the case of the petitioner that, in spite of his possession to an extent of Acs.4.00 the settlement Officer has issued ryotwari patta in favour of

the fifth respondent to the entire extent of Acs.8.56 cents. Coming to know of the Suo motu revision proceedings initiated by the Director of settlements, the petitioner filed an application to implead him as a party respondent and the same was ordered. The petitioner opposed the issuance of ryotwari patta in favour of the 5th respondent. The special Commissioner by order dated 28-09-1998 confirmed the grant of patta in favour of the 5th respondent. The said orders of the Director of Settlements dated 28-09-1998 were served on the advocate of the petitioner on 04-02-1999 and he has filed a further revision before the first respondent, the Chief commissioner of Land Administration on 15-02-1999 . The revision petition preferred by the petitioner is dismissed by the impugned order by merely stating that the revision is liable to be dismissed at the admission stage.

From a reading of the impugned order, it is clear that no reasons were assigned for dismissing the revision preferred by the petitioner. Such a revision preferred by the petitioner is a statutory remedy provided under the provisions of the Act. Though, counter is filed by the second respondent, there is no explanation for rejecting the revision preferred by the petitioner at the admission stage by the first respondent without assigning any reasons.

In view of the fact that the revision filed by the petitioner is a statutory remedy as stated above, the impugned order is liable to be set aside. Accordingly, the

order of the Chief Commissioner of Land Administration dated 07-04-1999 passed in proceedings in C.C.L.A's Ref.No.P2/187/99 is set aside. The first respondent is directed to consider the revision petition preferred by the petitioner afresh by issuing prior notice to the counsel on record and to the other effected persons.

The writ petition is disposed of accordingly. No costs.

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22-06-2004

**vs**/msnr

To

1 The Commissioner of Appeals,
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5 Nadimpalli Prakasarao S/o Jallaiah
Lakkavaram P.O , Talluru Mandal ,
Prakasam District, Pin :523 264.
6 2 CCs to the Advocate General, High Court Buildings,
(O.U.T)

7 2 CD copies
8 One spare copy
9 1 CC to Mr. A.Rangacharyulu, Advocate (OPUC)

**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 9269 of 1999**

**Dated 22.06.2004**